

REMARKS

Definitions of R₂₂ and R₂₃ have been restored in Claim 1, as supported on page 2, lines 1-3, and original Claim 1, page 22, lines 30-32, of the Specification and page 4, lines 30-32, of the Preliminary Amendment.

"Claim" has been substituted by the Examiner's preference, "claim", in Claims 2 and 3, and Claim 3 has been amended by substituting the equivalent "thereof" for "therefor", both in the interest of expediting an allowance of the Application.

Claims 4-15 remain withdrawn by the Examiner, as of November 7, 2008, as a result of Applicants' election, with traverse, of July 28, 2008, to initially prosecute Claims 1-3 (Group III) in the Application, and new Claims 16 and 17 have also been withdrawn as dependent on withdrawn Claims, with Applicants retaining the right to deal with the content of all these Claims and other material in the Specification in the future, and subject to rejoinder of process Claim 7, under 37CFR1.104, upon allowance of the compound Claims.

No new matter has been added to any of currently-pending Claims 1-17 (with Claims 4-15, presumably now Claims 4-17, at least initially withdrawn, as explained above) as a result of these changes, and, therefore, favorable reconsideration of this Application is respectfully requested.

Applicants appreciate the Examiner's withdrawal of previous objections to the Title and Abstract of the Application and to Claim 1, and of several of the rejections of Claims 1 and 3 from the Non-Final Office Action of November 7, 2008.

Applicants further appreciatively acknowledge the Examiner's kindness on September 8, 2009 in granting Applicants' Attorney an interview, during which the

Examiner indicated that no Terminal Disclaimer would be necessary to overcome a nonstatutory obviousness-type double patenting rejection over copending Application 12/064,068, as actions subsequent to the Final Office Action having been drafted have removed the basis of that rejection.

Claims 2 and 3 have been objected to over the use of "Claim", and Claim 3 has been objected to over the use of "therefor".

Applicants' revisions to Claims 2 and 3 to satisfy the Examiner's preferences is believed to fully satisfy and overcome these objections, the reconsideration and removal of which is respectfully requested.

Claims 1-3 have been rejected under 35USC112, second paragraph, as indefinite in that variables R_{22} and R_{23} , referenced in R_2 , are not defined in Claim 1, and without such definitions, there is no antecedent basis for their use in Claim 2.

Restoration of the definitions of substituents R_{22} and R_{23} is believed to fully satisfy and overcome this rejection, which Applicants respectfully request be reconsidered and withdrawn.

Claims 1-3 have been provisionally rejected on obviousness double patenting grounds as unpatentable over Claims 9 and 10 of copending Application 12/064068.

As explained above, Applicants respectfully believe this rejection has been verbally removed by the Examiner.


SUMMARY

The Examiner's objections and rejections having been addressed, and the Claims now believed to be in condition for allowance, such favorable action is

earnestly solicited of the Examiner, with an early conditional Notice of Allowance being issued. If any remaining matters need to be resolved, however, Applicants respectfully request another telephone interview (the undersigned attorney may be contacted at the telephone number set forth below) with the Examiner prior to any adverse action being issued by the Office in response to these arguments, in order to facilitate allowance of the pending Claims.

Respectfully submitted,

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